

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2003-335-C - ORDER NO. 2003-678  
NOVEMBER 21, 2003

IN RE: Request for Suspension of Wireline to	) ORDER
Wireless Number Portability Obligations	) GRANTING REQUEST
Pursuant to Section 251(f)(2) of the	) FOR 180-DAY STAY OF
Communications Act of 1934, as Amended	) WIRELINE TO WIRELESS
	) NUMBER PORTABILITY
	) OBLIGATIONS

This matter comes before the Public Service Commission of South Carolina (the "Commission") by way of a Request from Twenty-Seven (27) Petitioner Companies (herein "Petitioners" or "Companies") to temporarily suspend the Companies' obligations to provide number portability to requesting Commercial Mobile Radio Service ("CMRS") providers effective November 24, 2003. The Petition was filed with the Commission on or about November 7, 2003. Subsequent to that date, on November 10, 2003, the Federal Communications Commission ("FCC") issued a Memorandum Opinion and Order and Further Notice of Proposed Rulemaking in document CC No. 95-116 which clarified the FCC requirement that wireline Local Exchange Carriers ("LEC") such as the Petitioners would, in fact, be required to provide number portability to CMRS by November 24, 2003.

Petitioners have filed this request under Section 251(f)(2) of the Communications Act of 1934, as Amended ("the Act") which provides the Commission with authorization to suspend enforcement of the requirement or requirements to which the petition applies

pending action by the Commission on the petition within 180 days after receiving the petition provided that the Commission finds that such a suspension (1) is necessary either to avoid a significant adverse economic impact on users of telecommunications services, to avoid imposing a requirement that is unduly economically burdensome, or to avoid imposing a requirement that is technically infeasible and (2) is consistent with the public interest, convenience and necessity.

Upon full review of the Petitioners Petition and under the criteria listed in Section 251(f)(2) of the Act, we make the following Findings of Fact and Conclusions of Law:

**FINDINGS OF FACT**

1. We find that each of the Petitioners listed in the Petition is either a rural telephone company incumbent local exchange carrier (“ILEC”) as defined by the Act or a small CLEC that is an affiliate of a rural telephone company ILEC and that each of the Petitioners satisfies the criteria set forth in Section 251(f)(2), which provides in pertinent part, that LECs “with fewer than two percent of the Nation’s subscriber lines installed in the aggregate nationwide may petition a state commission for a suspension or modification.”

2. We find that the Petitioners, in whole or in part, do not possess the requisite equipment or technology to port wireline numbers to wireless carriers. The numerous implementation and operational issues for porting their numbers to wireless carriers both within and outside the same rate center evidence that it is technically infeasible for the Petitioners to comply with the November 24, 2003 deadline imposed by the FCC.

3. We further find that it is in the public interest of both the Petitioners and the users of telecommunications services in South Carolina to grant the Petition in this matter and provide a stay for a period of up to 180 days or until this Commission can act upon the Petition. We find that the public interest requires the granting of this stay in order (1) to avoid a significant economic impact on users of telecommunications services generally as the costs of implementing the number portability are significant, not only with respect to the deployment of the hardware and software but also with respect to ongoing data costs and administration processes, and the establishment of proper arrangements among the affected carriers; (2) to avoid imposing a requirement that is unduly economically burdensome to the Petitioners which are small telephone companies with limited resources; and (3) to avoid imposing a requirement that is technically infeasible because, while the installation of the hardware to achieve portability can technically be accomplished, number portability cannot be done within the time frame established by the FCC and implementation of the capability does not address all of the potential technical or implementation issues surrounding the process.

4. We find that as the Petitioners to this matter are the only affected parties to request such a stay and to provide sufficient facts and allegations to support the issuance of a stay, that the stay issued by this Order shall only be applicable to the following 27 named Petitioners: Bluffton Telephone Company, Inc., Chesnee Telephone Company, Chester Telephone Company, Farmers Telephone Cooperative, Inc., Ft. Mill Telephone Company d/b/a Comporium Communications, FTC Diversified Services, Inc., Hargray Telephone Company, Inc., Home Telephone Company, Inc., Horry Telephone Company,

Inc., HTC Communications, Inc., Lancaster Telephone Company d/b/a Comporium Communications, Lockhart Telephone Company, McClellanville Telephone Company, Norway Telephone Company, Palmetto Rural Telephone Cooperative, Inc., Piedmont Rural Telephone Cooperative, Inc., PBT Communications, Inc., PBT Telecom, Inc., PRT Communications, LLC, Ridgeway Telephone Company, Rock Hill Telephone Company d/b/a Comporium Communications, Sandhill Telephone Cooperative, Inc., St. Stephen Telephone Company, West Carolina Communications, LLC, West Carolina Rural Telephone Cooperative, Inc., and Williston Telephone Company.

#### **CONCLUSIONS OF LAW**

1. Based on the showing by the Petitioners that they do not possess the technical ability to implement wireline to wireless number portability by the FCC imposed deadline of November 24, 2003, the Commission concludes that a suspension of the implementation date is warranted to avoid imposing on the Petitioners a requirement that presents a potentially significant economic impact on users of telecommunications services generally, imposes a requirement that is unduly economically burdensome on the Petitioners, and is technically infeasible with the time frame allowed by the FCC.

2. We further conclude as a matter of law that, under the authority of 47 U.S.C. Section 251(f)(2), this Commission has the authority to grant the requested Stay for a period of up to 180 days or until such time as this Commission can act upon the Petition.

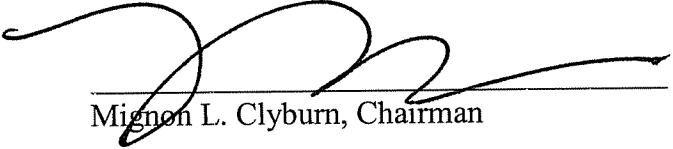
3. The Petitioners are directed to comply with all additional Orders, Rules and Regulations of this Commission and the FCC excluding that which is specifically stayed by this Order.

4. Petitioners shall comply with the existing provisions of the Memorandum and Order of the FCC issued November 10, 2003, in CC Docket No. 95-116 concerning wireline to wireless number portability upon the expiration of this stay, 180 days after its issuance, or by such date as is otherwise set or designated by the FCC.


5. The Stay granted to the Petitioners in this Order remain in full force and effect from November 24, 2003, for a period of 180 days or until further Order of the Commission.

IT IS THEREFORE ORDERED, that the Petition titled "Request for Suspension of Wireline to Wireless Number Portability Obligations Pursuant to Section 251(f)(2) of the Communications Act of 1934, as Amended" be granted and that the stay provided for herein shall be effective for a period of up to 180 days beginning November 24, 2003 and pending further action of this Commission on the Petition.

BY ORDER OF THE COMMISSION:

  
Mignon L. Clyburn, Chairman

ATTEST:

  
Bruce F. Duke, Acting Executive Director  
(SEAL)